IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.Rev.Pet.No. 908 of 1998()

CC.78/1993 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA
CRA NO. 51/1996 of SESSIONS COURT, PATHANAMTHITTA

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REVN. PETITIONER:

SAM PHILIP,
PALACKAMANNIL HOUSE,
KUMPALATHANAM,
VALIKUNNAM MURI,
PERUMPETTY VILLAGE.

BY ADV. SRI.MVS.NAMBOOTHIRY
SRI.S.SANTHOSH KUMAR

RESPONDENTS:

THE STATE OF KERALA
REPRESENTED BY THE
PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 4548/1998 IN CRL.R.P NO. 908/1998

DISMISSED

23.05.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 908 OF 1998

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Dated this the 23rd day of May 2007

O R D E R

The revision petitioner stands convicted for the offences under Section 323 IPC and 324 IPC and sentenced, as modified by the appellate court, to pay a fine of Rs. 500/- for the offence under Section 323 IPC and in default to undergo simple imprisonment for one month and to pay a fine of Rs. 1,500/- for the offence under Section 324 IPC and in default to undergo simple imprisonment for two months.

2. The prosecution case is that on 28.12.1992 at about 9.15 p.m the accused caused hurt to PW4 by hitting with a stone on the left side of his head and face and fisted on his chest. The evidence adduced in the matter consisted of the testimony of PWs 1 to 7 of whom PW4 is the injured and PWs 1 and 2 are the occurrence witnesses. PW3 is the Medical Officer who issued Ext.P1, wound certificate and he has proved the same. It is the contention of the revision petitioner that there is a counter case as Crime No. 101/92. The crime number of the instant case is 100/92. It is observed by both the courts below that the counter case has been registered subsequent to the registration of the crime in the instant case. Of course, both the cases ought to have been tried consecutively and at the same time.

3. In the circumstances and in view of the sentence imposed which is of a minor nature, I find that the setting aside of the proceedings is not called for. The evidence adduced by PW4, the injured and PWs 1 and 2 the occurrence witnesses stand not discredited. In the circumstances, I find no reason to deviate from the findings of the courts below.

The Crl.R.P is dismissed accordingly.

K.R. UDAYABHANU, JUDGE.

rv